

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Khammam District - Appeal Petition filed by Sri M.Srinivasa Rao, S/o Veeravenkaiah, Constable, Central Industry Security Force, (CISF) SCCL(S) SRP Area, CSIF Complex, Naspur Post, Mancherial (Mandal), Adilabad District, R/o. Athukuru (V), Madhira (M), Khammam District, under Section 7(2) of the Act 16 of 1993, against the orders of the District Collector, Khammam issued in Proceedings No.D3-3812/2005, dated 04.10.2007- Appeal Dismissed - Orders – Issued.

-----

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 25

Dated: 30-06-2023

Read the following:-

1. Proceedings No.D3-3812/2005, dated 04.10.2007 of the Collector & District Magistrate, Khammam District.
2. Appeal Petition filed by Sri M.Srinivasa Rao S/o Veeravenkaiah, Constable, Central Industry Security Force, (CISF) SCCL(S) SRP Area, R/o Qr.No.139, CSIF Complex, Naspur Post, Mancherial (Mandal), Adilabad District, R/o. Athukuru (V), Madhira (M), Khammam District dated 12.11.2007.
3. Govt. Memo.No.7715/CV.2/2007-1 dated 19.12.2007.
4. From the District Collector, Khammam, letter Rc.No.D3/3812/2005, dated 08.05.2009.
5. Govt. Notice No.7715/CV.2/2007, dated 28.04.2012, 21.07.2015, 10.07.2015, 23.12.2015, 22.01.2016, 16.5.2016, 27.06.2019 & 22.09.2020.
6. From, CTW, TS, Hyderabad, Lr.Rc.No.181//2016/TRI/TSV/VC-7, dated 05.11.2018

\*\*\*

ORDER:-

1. In the reference 1<sup>st</sup> read above, the Collector & District Magistrate, Khammam his Procgs. No.D3-3812/2005, dated 04.10.2007 had cancelled the Valmiki (ST) Certificate of the Appellant Sri M.Srinivasa Rao S/o Veeravenkaiah, Constable, Central Industry Security Force, Naspur Post, Mancherial (Mandal), Adilabad District, issued by the Mandal Praja Parishad, Madhira vide L.Dis.No.232/332, dated 12.11.1988 and Mandal Revenue Officer, Madhira L.Dis.No.A5/1151/86, dated 25.07.1986. The gist of the cancellation orders is as follows:

- Commandant, CISF Unit & SCCL (S) in reference Rc.No.E-40014/48/Caste-Veri/Dec/05, 12527, dated 22.11.2005 has informed that Sri M.Srinivasa Rao S/o Veera Venkaiah was appointed as a Constable in CISF in the year 1989 against quota reserved for ST community based on the ST certificates produced by him at the time of appointment. When the matter was referred, the Mandal Revenue Officer, Madhira has reported that the caste certificate issued by the MPP Madhira is not genuine one and that the individual does not belong to Valmiki (ST) caste but belongs to Boya (BC) caste.
- The Commandant has initiated action against Sri M.Srinivasa Rao for producing false caste certificate. Aggrieved by this, the individual has filed WP before the Hon'ble High Court. The Hon'ble High Court has allowed the WP No.20231/2005 and passed orders on 19.9.2005 with a direction that the caste certificate should be got cancelled by the District Collector who is the competent authority. Therefore, the Commandant has requested the District Collector to initiate action for cancellation of the caste certificate issued by the President, MPP Madhira.
- The matter was referred to the Revenue Divisional Officer, Khammam who conducted detailed enquiry and reported that the Valmiki caste people are not residing in Athkoor village of Madhira Mandal and they are residing in Agency tracts only. He further reported that as per MPHS data Sri M.Srinivasa Rao belongs to Boya caste but not Valmiki and that some of his relatives are also residing in Athkoor village whose caste is Boya.

(Contd...2)

- When the matter was referred to DLSC, Sri M.Srinivasa Rao attended before the DLSC on 6.11.2006 and submitted explanation that he belongs to Scheduled Tribe community – originally hails from Bhadrachalam which is notified scheduled area and he is member of Valmiki caste. His caste was recorded as Valmiki in school records. The Revenue Divisional Officer, Khammam has also issued Valmiki (ST) caste certificate to his brother Meenugu Venkaiah. Caste of his father was also recorded as Valmiki in the Pattedar Pass Book issued by the Mandal Revenue Officer, Madhira. During Intermediate education, the ST authorities have thoroughly verified and granted ST scholarship. After joining into service, the authorities have requested to obtain and produce recent caste certificate. When the Mandal Revenue Officer, Madhira refused to issue ST Valmiki Caste Certificate, the Mandal Praja Parishad, President has issued Valmiki ST caste certificate. The MRO Madhira has not conducted proper enquiry about his social status and submitted report that there is no Valmiki caste people in this area.
- During scrutiny before the DLSC, he stated that there is no further evidence to be produced. When asked about marriage customs, he stated that it is as per Hind customs, they worship Sri Rama and occupation is hunting of rabbits, there is other Meenugu intiperu in the village and they belong to Boya community. His grandfather migrated from Gowridevipeta village and does not know whether the intiperu exists there and there are no relatives in Gowridevipeta.
- As per instructions of the Government on issue of Valmiki Caste certificates – the Valmiki caste is notified as Scheduled Tribe in scheduled area only, the Valmiki Boya caste is notified as backward community in other areas.
- Government in GO Ms.No.178, SW (J2) Dept. dated 6.8.1988 have authorized all Members of Legislative Assemblies, Members of Parliament, Chairmen, Zilla Parishads, Presidents, Mandal Praja Parishads and all Gazetted Officers of the State Government to issue caste certificates in favour of SCs/STs and BC unless otherwise specifically provided, for the purpose of appointment to services, admission into educational institutions, sanction of scholarships and other concessions to which these communities are eligible.
- As per GO Ms.No.58, SW (J) Dept. dt.12.5.1997, the competent authority for issue of caste certificates to the Valmiki caste people is the Revenue Divisional Officer. The Government vide orders in GO Ms.No.122, SW (J2) Department dated 01.09.1997 have revised the competent authority for issue of Valmiki caste certificate to MROs in scheduled area and RDOs in non-scheduled area.
- As per explanation and documents produced by the individual, it is noticed that:
  - He was appointed as Constable in CISF Unit against ST quota by producing Valmiki ST caste certificate issued by the MPP Madhira – there is no base to issue the caste certificate as Valmiki to the individual by the MPP, Madhira in the year 1988.
  - His forefathers hailed from Bhadrachalam agency area and residing in non-scheduled area i.e. Athkoor village of Madhira Mandal – it is clearly understood that he belongs to Athkoor village of Madhira Mandal and is not entitled to obtain the caste certificate as Valmiki either from the MPP or from the MRO Madhira as there is no such community existing in the said village. The Valmiki caste was notified as Scheduled Tribe in the Scheduled area only and Valmiki Boya caste was notified as BC in the non-scheduled area – Athkoor village of Madhira Mandal is not scheduled village.
  - Mandal Revenue Officer, Madhira who is competent authority had given Valmiki ST caste certificate to Sri Meenugu Srinivasa Rao

(Contd...3)

vide L.Dis.No.A5-1151/86, dated 25.7.86 basing on the Transfer Certificate issued by the Government High School, Madhira. It is not correct to issue caste certificate as Valmiki in a non-scheduled village merely basing on the information available on the TC issued by the educational authorities. The caste enrolled in the TC does not confirm right to claim as Valmiki as the information will be recorded in the school records as stated by the parents of the child at the time of admission, but not after thorough enquiry. Hence, the certificate issued above cannot be considered as sufficient basis to confirm his caste status.

- Individual obtained Valmiki (ST) caste certificate from the President, MPP Madhira in the year 1988 without providing any evidence to the President.
- In the MPHS data of Madhira Mandal, the caste of the individual is enrolled as Boya only but not Valmiki. The Boya caste is notified as BC in non-scheduled area.
- His deposition before the committee also shows that he does not know any tradition and customs of Valmiki tribe who are ordinarily residents of scheduled areas. His claim that his forefathers migrated from agency area is nullified from his own statement that he has no relatives in the village Gowridevipeta from where his forefathers reported to have been migrated. He claimed to have married Valmiki woman but categorically said that he cannot produced her ST caste certificate. Therefore, the claim of the respondent is not correct as he has offered any correct and verifiable proof before the committee in support of his claim.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Khammam in the reference 1<sup>st</sup> read above, the Appellant Sri M.Srinivasa Rao S/o Veera Venkaiah, Constable, CISF SCCL (S) SRP Area R/o Qr.No.139, CISF Complex, Naspur post, Mancherla (M), Adilabad District, has filed the Appeal petition under the Act 16 of 1993 on 12.11.2007 along with stay petition.

3. In the reference 3<sup>rd</sup> read above, Government have admitted the appeal petition, granted stay on the operation of the orders of District Collector, Khammam in Proceedings No.D3-3812/2005, dated 04.10.2007 pending disposal of the appeal and requested the District Collector, Khammam to furnish the original case records along with para-wise remarks to Government.

4. In the reference 4<sup>th</sup> read above, the Collector & District Magistrate, Khammam has furnished the record bearing file Rc.No.D3/3812/2005 along with para-wise remarks.

5. In the reference 6<sup>th</sup> read above, The Commissioner of Tribal Welfare, TS, Hyderabad vide letter Rc.No.181/2016/TRI/TSV/VC-7, dated 05.11.2018 has submitted copy of enquiry report – gist of which is as follows:

- The appellant stated that –
  - his family originally hails from Gowridevipet village, Bhadrachalam Mandal, Khammam District upto 1918 and from 1918 onwards till date his family residing at Athukuru village, Madhira Mandal, Khammam District;
  - he belongs to Valmiki community and stated that the Valmiki community also known as Boya Valmiki in plain area;
  - he belongs to Sri Padam clan (Gothram) and other clan of Valmiki is Nallanivani and his surname (intiperu) is Menugu and the other surnames of his community are Ulvala, Nalla, Malla, Jakkula, Gunjula, Konda and Bogeri and they got relationships in Dammamet, Gowridevipet Mandals of Khammam District and VR Puram, Bhadrachalam Mandals of East Godavari District.

(Contd...4)

- The Valmiki community in agency tracts of Andhra area was notified as Scheduled Tribe vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956. The order was subsequently modified in 1956, amended in 1976 and 2002.
- As per Scheduled Castes and Scheduled Tribes Orders amended from time to time, the Valmiki (in the scheduled areas of Visakhapatnam, Srikakulam, Vizianagaram, East Godavari and West Godavari districts) is notified as Scheduled Tribe. Thus Khammam district is not the traditional habitat of Valmiki tribe. The Agency Valmiki Tribe is divided into following clans (Gothrams) in order to regulate the marriage institution among them. Naga Bowse (snake), Matsya Bowse (fish), Pangi Bowse (kite), Jilla Bowse (tiger), Vantala Bowse (Monkey), Korra Bowse (Sun), Bhallu Bowse (bear), Poolu Bowse (flower) and Chilli Bowse (goat).
- The clan names and surnames furnished by Sri Meenugu Srinivasa Rao S/o VeeraVenkaiah do not tally with the clan names and surnames of Valmiki Tribe. He admittedly accepted that Valmiki community is known as Boya Valmiki in plain area. Further the Sripadam and Nallanivari (Gothrams) are not found in Valmiki Tribe.
- The Tahsildar / Mandal Revenue Officer, Madhira Mandal, Khammam District issued Community certificate to Sri Meenugu Srinivasa Rao S/o Veera Venkaiah as belonging to Boya Valmiki (ST). Boya Valmiki was not notified as Scheduled Tribe at any point of time.

6. In the reference 5<sup>th</sup> read above, notices were issued to the appellant and all other concerned to attend for the hearing on 10.05.2012, the Counsel present and submitted written arguments. On 24.8.2015, 19.12.2015, 02.01.2016, 06.02.2016, 15.06.2019, 06.07.2019 and 07.09.2019, adjourned respectively. Further hearing called on 29.09.2020. Appellant and his Counsel called absent.

7. The Government have examined the Appeal of the Appellant Sri M.Srinivasa Rao and with reference to the evidences available on record, Appeal grounds, written arguments of the Appeal, findings of the Tribal Cultural Research and Training Institute, TS, Hyderabad, it is found that the appellant not belong to Valmiki (ST) community of agency tracts as notified in the Scheduled Cates, Scheduled Tribes Orders (Amendment) Act, 1956 amended in 1976 and 2002 but belongs to Boya BC community of Athukuru, a non-scheduled village in Madhira Mandal of Khammam District.

8. Therefore, the Appeal filed by Sri M.Srinivasa Rao S/o Veera Venkaiah, is hereby DISMISSED upholding orders of the Collector & District Magistrate, Warangal in Proceedings Khammam in Proceedings No.D3-3812/05, dated 4.10.2007.

9. The Collector and District Magistrate, Khammam District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,  
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Khammam District (By RPAD)

Sri M.Srinivasa Rao S/o Veeravenkaiah, Constable,

Central Industry Security Force, (CISF) SCCL(S) SRP Area,

R/o.Qr.No.139, CSIF Complex, Naspur Post, Mancherla (Mandal), Adilabad District.

Native Address:- R/o.Athukuru (V), Madhira (M), Khammam District. (By RPAD)

Copy to:-

The Revenue Divisional Officer, Khammam.

The President, Mandal Praja Parishad, Madhira Manal, Khammam District.

The Tahsildar, Mandal Revenue Officer, Madhira Mandal, Khammam District. (with a request to serve the copy to the appellant )

The Director, TCR&TI, TS, Hyderabad (for information)

The P.S. to Minister for ST Welfare (for information)

The PS to Secretary to Govt. (TW)

The PA to Special Secretary to Govt.(TW)

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.